

Application No. 10/064,791
Docket No. 13DV-13975
Amendment dated August 6, 2004
Reply to Office Action of November 4, 2003

REMARKS

In the Office Action, the Examiner reviewed claims 26-40 of the above-identified US Patent Application, with the result that claims 26-40 were rejected under 35 USC §102(e) and under the judicially-created doctrine of obviousness-type double patenting in view of commonly-assigned U.S. Patent No. 6,492,038 to Rigney et al. (Rigney).

In response, Applicants submit herewith a terminal disclaimer pursuant to 37 CFR §1.321(b) that terminally disclaims that portion of the patent issuing from the present patent application which extends beyond the termination date of Rigney. As such, Applicants respectfully request withdrawal of the rejection under the judicially-created doctrine of obviousness-type double patenting.

In addition, Applicants submit herewith a Rule 132 Declaration in which Applicant Ramgopal Darolia declares that he conceived/invented the subject matter recited in the claims rejected under 35 USC §102(e) and cited by the Examiner as being disclosed in Rigney. Applicants believe that this showing fulfills the requirements of MPEP §715.01(a) and 716.10, and therefore respectfully request withdrawal of the rejection under 35 USC §102(e).


In view of the above, Applicants believe that all rejections to their claims have been addressed, and that the claims define patentable novelty over all the

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references, alone or in combination, of record. It is therefore respectfully requested that this patent application be given favorable reconsideration.

Should the Examiner have any questions with respect to any matter now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,

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Attachments: Fee Transmittal form; Terminal Disclaimer; Declaration of Ramgopal Darolia